



Montana Fish, Wildlife & Parks

**Region 1
490 N. Meridian Road
Kalispell, MT 59901**

**Decision Notice
and
Finding of No Significant Impact
for
Callahan Creek Unconsolidated Fill Removal
Environmental Assessment**

3/16/2017

Description of the Proposed Action:

Montana Fish, Wildlife & Parks (FWP) proposed to issue a 124 permit to Lincoln County to remove approximately 22,000 cubic yards of unconsolidated substrate placed in the bed and floodway of Callahan Creek. Removed material will be stockpiled out of the flood plain. Excavators and dump trucks will be used to load and haul the substrate. There will be no work in the active stream channel. In December 2015, rain on snow pack resulted in major flooding on Callahan Creek. Unpermitted actions were taken by Lincoln County in January 2016. These actions included complete large woody debris removal, approximately 350 lineal feet of emergency road repair, and bedload ditching and diking of approximately 22,000 cubic yards of substrate along approximately .9 mile of channel. The action was in violation of Section 404 of the US Clean Water Act, Section 10 of the US Rivers and Harbors Act, Montana Stream Protection Act (87-5-502 MCA), and Section 318 of Montana Clean Water Act.

Public Comment:

FWP accepted public comment on the draft environmental assessment (EA) for a 15-day period, from March 1 through March 15, 2017. The public was notified in the following manners to comment on this EA: legal ads were published in the Western News and the Montanian newspapers, the draft was available on the FWP website, and a statewide news release was issued. Copies of the draft were available from the Kalispell FWP office and the FWP State Headquarters office in Helena, and available for viewing at the Montana State Library and local libraries. Notification of the draft EA was sent to adjacent landowners and interested parties. During the public comment period, FWP received 3 written comments.

Response to Comments:

Comment 1: Specify the disposal site for the material to be removed. I do not trust Lincoln County to not put this material in the 100-year flood plain or wetlands. Only allow equipment to operate on the diked material to be removed. The diked material separates the stream banks. Do not allow equipment to operate in the streamcourse with or without surface water off the diked material. I think you should have a State Inspector on site at all times when this operation is occurring.

Response 1: A project special condition will be that the applicant will specifically identify the coordinates of the disposal sites where stockpiled material will be hauled prior to project commencement to insure materials will not be placed in adjacent wetlands or on culturally sensitive areas.

Comment 2: Yes, allow careful removal of unconsolidated substrate material. Callahan Creek is an important spawning and rearing stream for native redband trout, so should be restored to its natural gradient and channel form, and revegetated to improve riparian health. Flood plain connectivity should be restored as much as possible.

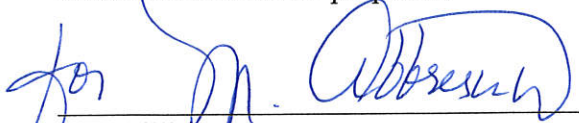
Response 2: A project special condition will be that the project should only be accomplished as Phase I of a multiphase project to reestablish proper pattern profile and dimensions of this section of Callahan Creek. The intended project will remove approximately 22,000 cubic yards of fluvial substrate excavated and stockpiled from the bed of Callahan Creek in January 2016. Large scale substrate removal will increase the cross-sectional area of the stream at lower flows and may increase uncontrolled meandering and areas of erosion against banks and aggradation while stream approaches equilibrium. In addition, woody debris was completely removed from the entire reach. Thus, natural stream flow processes will continue to cause uncontrolled meandering and may create new bank stresses and substrate accumulations until the next phase of this project to improve pattern, profile, and dimensions of the stream can be completed.

Comment 3: Any idea where the 22,000 cubic yards of substrate will be stockpiled? The EA just states that it "will be stockpiled out of the flood plain." I don't think I'm concerned about cultural materials being disturbed in the creek, but I'm not sure if there is a potential for cultural where the stockpiled material will be deposited.

Response 3: A project special condition will be that the applicant will specifically identify the coordinates of the disposal sites where stockpiled material will be hauled prior to project commencement to insure materials will not be placed in adjacent wetlands or on culturally sensitive areas.

Finding of No Significant Impact (FONSI):

Based on the analysis in the EA and review of public comment, I recommended FWP issue a 124 permit to Lincoln County for the proposed substrate removal project on Callahan Creek with the stipulation that the project is carried out in accordance with the terms, descriptions, and timing supplied in the application, all general conditions listed, and the special conditions listed on the 124 permit. Additionally, this project should only be accomplished as Phase I of a multiphase project to reestablish proper pattern profile and dimensions of this section of Callahan Creek. I have evaluated the EA and applicable laws, regulations, and policies and have determined that this action will not have a significant effect on the human environment. Therefore, an environmental impact statement will not be prepared.


Jim Williams
Regional Supervisor

3-16-17
Date